

FILED\*06 SEP 29 14:15USDC-ORP

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

JONELLE GAMEZ-MORALES,

Plaintiff,

v.

PACIFIC NORTHWEST RENAL  
SERVICES, LLC, an active Oregon  
corporation, KAREN CAISSEY, and  
CYNTHIA BAIN,

Defendants.

No. CV 05-546-AS

ORDER ADOPTING MAGISTRATE JUDGE'S  
FINDINGS AND RECOMMENDATION

**MOSMAN, J.,**

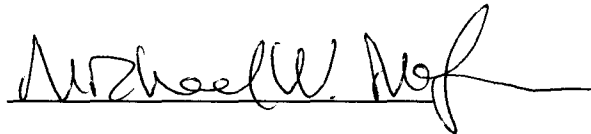
On July 5, 2006, Magistrate Judge Ashmanskas issued Findings and Recommendations ("F&R") (#71) in the above-captioned case recommending that defendants' Motion for Summary Judgment (#39) be granted. He further recommended that defendants' Motion to Strike (#62) be granted with regard to various portions of plaintiff's declaration and plaintiff's exhibit HHH attached to Sara Thistlethwaite's affidavit, and denied in all other respects. On July 25, 2006, plaintiff filed objections (#72) to the F&R. On August 8, 2006, defendants filed a response (#73) to plaintiff's objections.

In conducting my review of the F&R, I apply the following standard. The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, the court is free to accept, reject, or modify any of the magistrate judge's F&R. 28 U.S.C. § 636(b)(1)(C).

After reviewing the F&R, objections, and relevant pleadings, the court agrees with Judge Ashmanskas' recommendation to grant defendant's Motion for Summary Judgment (#39). The court also agrees with Judge Ashmanskas' recommendations regarding defendants' Motion to Strike (#62). Accordingly, the court ADOPTS the F&R in its entirety.

IT IS SO ORDERED.

DATED this 29 day of September, 2006.

A handwritten signature in black ink, appearing to read "Michael W. Mosman", with a long horizontal flourish extending to the right.

MICHAEL W. MOSMAN

United States District Court